

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54790 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- MARAUNA District- Supaul

1. Prabhash Kumar @ Prabhash Kumar Yadav Son Of Kamleshwari Yadav
2. Sanjay Yadav @ Sanjay Kumar Yadav @ Sanjay Kumar Son Of Birendra Singh @ Birendra Yadav
Both Are Resident Of Village - Bramottar, Ward No. - 04, P.S. - Marauna,
District - Supaul, State - Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-09-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The learned counsel for the petitioners submit that
the defects as pointed out by the office has been removed.

3. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with Marauna P.S. Case No.14 of 2024.

4. The learned counsel for the petitioners submit that
the petitioner no.1 has antecedent of three cases and petitioner
no.2 is a person with clean antecedent and the allegation is of
recovery of 60 liters of liquor from a field.

5. It is next submitted that petitioners were not



arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated based on secret information which is the easiest way to implicate someone. It is also submitted that once a person is implicated in a case relating to excise, in that event the police starts implicating mechanically.

6. The learned APP for the State opposes the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.15,000 /- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.01, Supaul in connection with Marauna P.S. Case No.14 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal



antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than three cases and petitioner no.2 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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